

(26)

LETTER

FROM

HON. JOHN SHERMAN, OF OHIO,

IN REPLY

To an invitation from "The Working Members of the People's Party," to attend a public dinner, at Sansom Street Hall, in the city of Philadelphia, Friday evening, December 28, 1860.

WASHINGTON, December 22, 1860.

GENTLEMEN: Your note of the 15th instant, inviting me to attend a public dinner in your city, on Friday evening next, was duly received.

I remember with pleasure the kindness shown me, during the recent canvass, by our political friends at Philadelphia, and would gladly avail myself of the proposed celebration to mingle my personal thanks with your rejoicings over the recent triumph of our political principles. Other engagements and duties, however, will not allow me that pleasure.

No State can dispute with Pennsylvania the honor of this triumph. Her own son was upon trial, and her voice of condemnation was emphatic and decisive. The election of Governor Curtin foreshadowed her decision, and strengthened our cause in every State where freedom of election is allowed to the people. Her verdict in November reconsidered and reaffirmed her verdict in October. And now, since the victory is won, let us not lose the fruits of it.

Fidelity to principle is demanded by the highest patriotism. The question is not whether this or that policy should prevail; but whether we shall allow the government to be broken into fragments by disappointed partisans, condemned by four fifths of the people. It is the same question answered by General Jackson in his proclamation of 1833. It is the same question answered by Henry Clay in the Senate in 1850. It is the same question answered by Madison and Jefferson, and recently by Wade and Johnson. It is a question which, I feel assured, every one of you will answer in the patriotic language of General Jackson: "The Union, it must be preserved."

Such would be the voice of the whole country, if the government was not now administered by those who not only permit treason, but actually commit it by turning the powers of the government against itself. They kill the government they have sworn to maintain and defend, because the people, whose agents they are, have condemned them. In this spirit we have seen a Secretary of the Treasury, charged with the financial credit of the government, offering for sale the bonds of the government, and at the same moment declaring that it will be overthrown, and that he would aid in overthrowing it. We see other

high officers receiving PAY for services to the government, and yet, at the same moment, plotting its destruction. We see the Treasury robbed by subordinate officers amid the general ruin. Stranger still, we see the President of the United States acknowledging his duty to execute the laws, but refusing to execute them. He admits that the Constitution is the supreme law; that neither a State nor the citizens of a State can disregard it; and yet, armed as he is with all the executive power, he refuses even to protect the property of the United States against armed violence. He will not hear General Cass, the head of his cabinet. He will not heed General Scott, the head of the Army. He has transferred to southern States more than one hundred thousand arms, of the newest pattern and most effective caliber, to be turned against the government.

The American people are now trembling with apprehension lest the President allows our officers and soldiers to be slaughtered at their posts for want of the aid which he has refused; or, what is far more disgraceful, shall order the flag of the Union to be lowered without resistance to lawless force.

Treason sits in the councils, and timidity controls the Executive power. The President listens to and is controlled by threats. He theorizes about coercing a State when he should be enforcing the laws against rebellious citizens. He admits that the States have surrendered the power to make treaties, coin money, and regulate commerce, and yet we will probably have the novel and ridiculous farce of a negotiation between the President and a State, for the surrender of forts and arsenals and sovereignty. Congress can do nothing, for the laws now are sufficient, if executed. Impeachment is too slow a remedy. The Constitution provided against every probable vacancy in the office of President, but did not provide for utter imbecility.

The people, alarmed, excited, yet true to the Union and the Constitution are watching with eager fear lest the noble government, baptized in the blood of the Revolution, shall be broken into fragments before the President elect shall assume the functions of his office.

What pretext is given for this alarming condition of affairs? for every treasonable act has its pretext. We are told that the people of the southern States *apprehend* that Mr. Lincoln will deprive them of their constitutional rights. It is not claimed that, as yet, their rights have been invaded; but, upon an *apprehension* of evil, they will break up the most prosperous government the providence of God ever allowed to man.

We know very well how groundless are their apprehensions, but we are not even allowed to say so to our fellow-citizens of the South. So wild is their apprehension, that even such statesmen as Stephens, Johnson, Hill, Botts, and Pettigrew, when they say "wait, wait till we see what this republican party will attempt," are denounced as abolitionists, submissionists. You know very well that we do not propose to interfere in the slightest degree with slavery in the States. We know that our leader, for whose election you rejoice, has, over and over again, affirmed his opposition to the abolition of slavery in the District of Columbia, except upon conditions that are not likely to occur; to any interference with the inter-State slave trade, and that he will enforce

the constitutional right of the citizens of the slave States to recapture their fugitive slaves when they escape from service into the free States. We know very well that the great objects which those who elected Mr. Lincoln expect him to accomplish will be to secure to free labor its just right to the Territories of the United States; to protect, as far as practicable, by wise revenue laws, the labor of our people; to secure the public lands to actual settlers instead of to non-resident speculators; to develop the internal resources of the country by opening new means of communication between the Atlantic and the Pacific, and to purify the administration of the government from the pernicious influences of jobs, contracts, and unreasoning party warfare.

But some of you may say, all this is very well; but what will you do to save the Union? Why don't you compromise?

Gentlemen, remember that we are just recovering from the dishonor of breaking a legislative compromise. We have been struggling against all the powers of the government for six years to secure practically what was expressly granted by a compromise. We have succeeded. Kansas is now free. The Missouri restriction is now practically restored by the incipient constitution of Kansas, and safer yet by the will of her people. The baptism of strife through which she has passed has only strengthened the prohibition. There let it stand.

But our political opponents, who have dishonored the word compromise; who trampled, without a moment's hesitation, upon a compromise, when they expected to gain by it; now ask us to again compromise, by securing slavery south of a geographical line. To this we might fairly say, there is no occasion for compromise. We have done no wrong; we have no apologies to make, and no concessions to offer. You chose your ground, and we accepted your issue. We have beaten you, and you must submit, as we have done in the past, and as we would have done if the voice of the people had been against us. As good citizens, you must obey the laws, and respect the constituted authorities. But we will meet new questions of administration with a liberal spirit. Without surrendering our convictions in the least, we may now dispose of the whole territorial controversy by the exercise of unquestioned congressional power.

The only Territory, south of the line, except that which, by treaty with Indian tribes, cannot be included within the jurisdiction of a State, is New Mexico. She has now population enough for admission as a State. Let Congress admit her as a State, and then she has the acknowledged right to form, regulate, change, or modify her domestic institutions. She now has a nominal slave code framed, and urged upon her by territorial officers. Practically, slavery does not exist there. It never can be established there. In a region where the earth yields her increase only by the practice of irrigation, slave labor will not be employed. At any rate, it is better to settle all questions about slavery there by admitting the Territory as a State. While a Territory, it is insisted that slavery shall be protected in it. We insist that Congress may prohibit it, and that the people have an undisputed right to exclude slaves. Why not, by terminating their territorial condition, determine this controversy? The same course might now properly be adopted with all the Territories of the United States.

In each of the Territories there are now small settlements scattered along the lines of transit. Within five years the least populous will contain sufficient population for a representative in Congress. Dacotah, Washington, Nevada, and Jefferson are destined soon to be as familiar to us as Kansas and Nebraska. It is well worthy the consideration of the old States, whether it is not better to dispense with all territorial organizations—always expensive and turbulent—and at once to carve the whole into States of convenient size for admission. This was the Jeffersonian plan, which did not contemplate Territories, but States. It was also sanctioned by General Taylor; and, but for his death, would have been adopted.

This is an easy, effectual remedy, within the power of Congress, and in its nature an irrevocable act. There is no necessity of an amendment to the Constitution. It is not at all probable that two thirds of both houses of Congress and three fourths of the States can agree to any amendments. Why attempt it, unless to invite new conquests, new acquisitions, to again arouse sectional animosities? We know that if Mexico is acquired, the South will demand it for slavery, and the North for free institutions. We must forego, for the present, new conquests, unless the love of acquisition is stronger than the love of domestic peace.

Suppose it be conceded that the Constitution should be amended; what amendment will satisfy the South? Nothing less than the protection of slavery in the Territories. But our people have pronounced against it. All who voted for Mr. Lincoln or Mr. Douglas—over three million three hundred thousand citizens—voted against this claim. Less than a million voted for it. Should the great majority yield to a meager minority, especially under threats of disunion? This minority demand that slavery be protected by the Constitution. Our fathers would not allow the word "slave" or "slavery" in the Constitution, when all the States but one were slaveholding. Shall we introduce these words, when a majority of the States are free, and when the progress of civilization has arrayed the world against slavery? If the love of peace, and ease, and office, should tempt politicians and merchants to do it, the people will rebel. I assure you, whatever may be the consequence, they will not yield their moral convictions by strengthening the influence of slavery in this country. Recent events have only deepened this feeling. The struggle to establish slavery in Kansas; the frequent murders and mobbings, in the South, of Northern citizens; the present turbulence and violence of Southern society; the manifest fear of the freedom of speech and of the press; the danger of insurrection, and now the attempt to subvert the government rather than submit to a constitutional election—these events, disguise it as you may, have aroused a counter irritation in the North, that will not allow its representatives to yield, merely for peace, more than is prescribed by the letter and spirit of the Constitution. Every guarantee of this instrument ought to be faithfully and religiously observed. But when it is proposed to change it, to secure new guarantees to slavery, to extend and protect it, you invoke and arouse the anti-slavery feeling of the North to war against slavery everywhere.

I am, therefore, opposed to any change of the Constitution, and to any compromise that will surrender any of the principles sanctioned by the people in the recent contest. If the personal-liberty bills of any State infringe upon the Constitution, they should at once be repealed. Most of them have slumbered upon the statute books for years. They are now seized upon by those who are plotting disunion as a pretext. We should give them no pretext. It is always right and proper for each State to apply to State laws the test of the Constitution.

It is a remarkable fact that neither of the border free States—New Jersey, Pennsylvania, Ohio, Indiana, Illinois, nor Iowa, have any such upon their statute books. The laws of these States against kidnapping are similar to those of Virginia and Kentucky. The laws of other States, so called, have never operated to release a single fugitive slave, and may be regarded simply as a protest of those States against the harsh features of the fugitive slave law. So far as they infringe upon the Constitution, or impair, in the least, a constitutional right, they are void, and ought to be repealed.

I venture the assertion, that there have been more cases of kidnapping of free negroes in Ohio than of peaceable or unlawful rescue of fugitive slaves in the whole United States. It has been shown that the law of recapture and the penalties of rescue have been almost invariably executed. Count up all the cases of rescue of negroes in the North, and you can find in your newspapers more cases of unlawful lynching and murder of white men in the South. These cases have now become so frequent and atrocious as to demand the attention of the general government. The same article of the Constitution that secures the recapture of fugitives from service and justice also secures the rights of citizens of Pennsylvania and Ohio to all the immunities and privileges of citizens in the several States. No law has been passed by Congress to secure this constitutional right. No executive authority interposes to protect our citizens; and yet we hear no threats of retaliation or rebellion from northern citizens or northern States. So, I trust, it may ever be.

The great danger that now overshadows us does not arise from real grievances. Plotters for disunion avail themselves of the weakness of the Executive to precipitate revolution. South Carolina has taken the leap. The movement would be utterly insignificant if confined to that State. She is still in the Union, and neither the President nor Congress has to power to consent to her withdrawal. This can only be by a change of the Constitution or the acquiescence of the people of the other States. The defense of the property of the United States and the collection of the revenues need not cause the shedding of blood, unless she commences a contest of physical force. The increase in one year of our population is greater than her entire population, white and black. Either one of several congressional districts in the West has more white inhabitants than she has. Her military power is crippled by the preponderance of her slaves. However brave, and gallant, and spirited her people may be, (and no one disputes these traits,) yet it is manifest she is weak in physical force. This great government might well treat with indulgence paper secession, or the

resolves of her convention or legislature, without invoking physical force to enforce the laws among her citizens.

Without disrespect to South Carolina, it would be easy to show that Shay's rebellion and the Whisky insurrection involved the government in greater danger than the solitary secession of South Carolina. But the movement becomes imposing when we are assured that several powerful States will soon follow in the lead of South Carolina, and when we know that other States, still more powerful, sympathize with the seceding States to the extent of opposing and perhaps resisting the execution of the laws in the seceding States.

In this view of the present condition of public affairs, it becomes the people of the United States seriously to consider whether the government shall be arrested in the execution of its undisputed powers by the citizens of one or more States, or whether we shall test the power of the government to defend itself against dissolution. Can a separation take place without war? If so, where will be the line? Who shall possess this magnificent capital, with all its evidences of progress and civilization? Shall the mouth of the Mississippi be separated from its sources? Who shall possess the Territories? Suppose these difficulties to be overcome; suppose that, in peace, we should huckster and divide up our nationality, our flag, our history, all the recollections of the past; suppose all these difficulties overcome, how can two rival republics, of the same race of men, divided only by a line or a river for thousand of miles, with all the present difficulties aggravated by separation, avoid forays, disputes, and war? How can we travel our future march of progress in Mexico or on the high seas, or on the Pacific slope, without collision? It is impossible. To peaceably accomplish such results we must change the nature of man. Disunion is war! God knows I do not threaten it, for I will seek to prevent it in every way possible. I speak but the logic of facts, which we should not conceal from each other. It is either hostilities between the government and the seceding States; or, if separation is yielded peaceably, it is a war of factions—a rivalry of insignificant communities, hating each other, and contemned by the civilized world. If war results, what a war it will be! Contemplate the North and South in hostile array against each other! If these sections do not know each other *now*, they will *then*!

We are a nation of military men, naturally turbulent, because we are free—accustomed to arms, ingenious, energetic, brave, and strong. The same qualities that have enabled a single generation of men to develop the resources of a continent, would enable us to destroy more rapidly than we have constructed. It is idle for individuals of either section to suppose themselves superior in military power. The French and English tried that question for a thousand years. We ought to know it now. The result of the contest would not depend upon the first blow or the first year; but blood shed in civil war will yield its baleful fruit for generations.

How can we avert a calamity at which humanity and civilization shudder? I know no way but to cling to the government framed by our fathers, to administer it in a spirit of kindness, but in all cases, without partiality, to enforce the laws. No State can release us from

the duty of obeying the laws. The ordinance or act of a State is no defense for treason, nor does it lessen the moral guilt of that crime. Let us cling to each other in the hope that our differences will pass away, as they often have in times past. For the sake of peace, for the love of civil liberty, for the honor of our name, our race, our religion, let us preserve the Union, loving it better as the clouds grow darker. I am willing to unite with any man, whatever may have been his party relations, whatever may be his views of the existing differences, who is willing to rely on the Constitution as it is for his rights, and who is willing to maintain and defend the Union under all circumstances, against all enemies, at home or abroad.

Pardon me, gentlemen, for writing you so fully. I feel restrained, by the custom of the House of Representatives, from engaging there in political debate, and yet I feel it is the duty of every citizen to prepare his countrymen for grave events, that will test the strength and integrity of the government.

Believing that our only safety is in a firm enforcement of the laws, and that Mr. Lincoln will execute that duty without partiality, I join my hearty congratulations with yours that he is so soon to be the President of the United States.

With great respect, I remain, very truly, your obed't servant,

JOHN SHERMAN.

MESSRS. WILLIAM READ, D. J. COCHRAN, L. S. FLETCHER, H. E. WALLACE, CHARLES O'NEILL, *Committee.*